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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,222	07/15/2003	Makoto Takamura	WAKA 20.515	8516
47888	7590	06/28/2005	EXAMINER	
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			SANTIAGO, MARICELI	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CM

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/620,222	TAKAMURA, MAKOTO	
	Examiner	Art Unit	
	Mariceli Santiago	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☒ Claim(s) 1-7 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-4, drawn to a method of manufacturing an organic electroluminescent display element, classified in class 445, subclass 24.
- II. Claims 5-10, drawn to a portable information terminal and organic electroluminescent display element, classified in class 313, subclass 512.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process, such as manufacturing the organic EL display elements separately, without the provision of a common lower substrate.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with James V. Costigan a provisional election was made with traverse to prosecute the invention of Group I, claims 1-4. Affirmation of this election must be made by applicant in replying to this Office action. Claims 5-10 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claims 3 and 4 recite the broad recitation "a compressibility of 10-50%", and the claim also recites "and preferable 20-40%" which is the narrower statement of the range/limitation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (US 6,080,031) in view of Kotake et al (JP 2000-223267 A).

Regarding claim 1, Rogers discloses a method of manufacturing an organic electroluminescent display element, comprising the steps of forming a plurality of organic electroluminescent elements on top of a transparent substrate, bonding seal caps to the transparent substrate so as to seal each of the organic electroluminescent elements, and then cutting the transparent substrate around each of the organic electroluminescent elements to form organic electroluminescent display elements (Figs. 4-6, Column 5, lines 42-55).

Rogers fails to teach the limitation of the seal caps being provided with electronic circuits. In the same field of endeavor, Kotake discloses a method of manufacturing organic electroluminescent display elements wherein the seal cap is provided with electronic circuits in order to provide an organic electroluminescent element with wiring capable of reducing a non-displaying area and restraining the occurrence of migration when multiple display panels are used as one image plane. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the sealing cap assembly disclosed Kotake in the method of Rogers in order to provide organic electroluminescent elements with wiring capable of reducing a non-displaying area and restraining the occurrence of migration when multiple display panels are used as one image plane.

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Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (US 6,080,031) in view of Kotake et al (JP 2000-223267 A), and further in view of Onitsuka et al. (US 6,049,167)

Regarding claim 2, Rogers discloses a method wherein an UV curing resin seal (epoxy) is used in the bonding of the seal caps. Rogers is silent in regards to the limitations of seal glass transparent to UV light is used in the seal caps, and the bonding of the seal caps to the UV curing resin seal is carried out by shining UV light on the UV curing resin seal from the seal cap side. In the same field of endeavor, Onitsuka discloses a method wherein an UV curing resin seal (epoxy) is used in the bonding of the seal caps, seal glass transparent to UV light is used in the seal caps, and the bonding of the seal caps to the UV curing resin seal is carried out by shining UV light on the UV curing resin seal from the seal cap side in order to provide a sealing technique that does not require heat, thus avoiding the glass components of the display to reach glass transition temperatures that will damage the OLED display structure. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the UV curing technique disclosed by Onitsuka in the method of Rogers in order to provide a sealing technique that does not require heat, thus avoiding the glass components of the display to reach glass transition temperatures that will damage the OLED display structure.

***Allowable Subject Matter***

Claims 3 and 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 3 and 4, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitation of an ultraviolet curing resin seal having anisotropic conductive particles mixed therein is used in the bonding of the seal caps to the transparent substrate, and ultraviolet light is shone on the ultraviolet curing resin seal after the seal caps and the transparent substrate are compressed so that the anisotropic conductive particles have a compressibility of 10 - 50%.

#### ***Other Prior Art Cited***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

#### ***Contact Information***

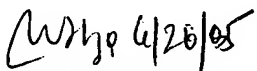
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system,

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see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mariceli Santiago  
Primary Examiner  
Art Unit 2879